



File Code: 1950

Date: June 12, 2009

Thank you for your interest in projects on the Beaverhead-Deerlodge National Forest. Enclosed is the Comment Decision Memo describing a proposal to remove dead and mountain pine beetle infested (showing evidence of beetle activity such as pitch tubes, pitch runners, boring dust) lodgepole pine trees along several system roads on the Butte, Jefferson, and Pintler Ranger Districts.

Our preliminary determination is that this proposal falls within a category of actions listed at 36 CFR 220.6(d) that are excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and there are no extraordinary circumstances that would preclude use of the category (36 CFR 220.6(d)(4): repair and maintenance of roads, trails, and landline boundaries.).

In the 2005 decision on the lawsuit *Earth Island Institute v. Ruthenbeck*, the Federal District Court for the Eastern District of California struck down the Forest Service provision at 36 CFR 215.4(a). That provision had excluded projects such as this one from public notice, comment, and appeal. Per the above referenced court ruling, we are providing you with the opportunity to comment on the Roadside Hazard Tree Removal #3 proposal pursuant to provisions at 36 CFR 215.5 and 215.6. This comment period is intended to provide those interested in or affected by this proposal an opportunity to make their concerns known prior to a decision being made.

How to Comment and Timeframe

Written, facsimile, hand-delivered, oral, and electronic comments will be accepted for 30 calendar days following publication of this notice in the *Montana Standard*. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this proposal. You should not rely upon dates or timeframe information provided by any other source. We expect the legal notice to be published on June 13, 2009.

In submitting comments, please provide: (1) your name, address, telephone number, and organization represented, if any; (2) title of the document on which the comment is being submitted; (3) specific facts along with supporting reasons that you believe should be considered by me; and (4) your signature.

Only those who submit timely comments will retain appeal eligibility. Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record and will be available for public inspection.


Comments may be sent to Cheryl Martin, Jefferson Ranger District, 3 Whitetail Road, Whitehall, MT 59759. Those wishing to comment by phone, should call (406) 287-3223, ext. 107, or you may send a FAX to (406) 287-3368. The office business hours for those submitting hand-



delivered comments are: 8 a.m. - 4:30 p.m. Monday through Friday, excluding holidays. Electronic comments must be submitted in rich text format (.rtf), Word (.doc) or Word Perfect format to comments-northern-beaverhead-deerlodge@fs.fed.us. The subject line must contain the name "Roadside Hazard Tree Removal #3". For electronically mailed comments, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of comments, it is the sender's responsibility to ensure timely receipt by other means. For appeal eligibility each individual or representative from each organization submitting substantive comments must either sign the comments or verify identity upon request.

If you need additional information regarding this proposal, please contact Cheryl Martin (406) 287-3223, ext. 107.

Sincerely,



M. EARL STEWART
Acting Forest Supervisor

Enclosure